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AMENDMENTS TO LB 1105

1 1. Strike sections 23 and 459 and insert:

2 "Sec. 23. (1) The commission shall implement the federal
3 Telecommunications Act of 1996, as such act existed on January 1,
4 2002, including section 252 of the act which establishes specific
5 procedures for negotiation and arbitration of interconnection
6 agreements between telecommunications companies. Interconnection
7 agreements approved by the commission pursuant to section 252 of
8 the act may contain such enforcement mechanisms and procedures that
9 the commission determines to be consistent with the establishment
10 of fair competition in Nebraska telecommunications markets.

11 (2) The commission shall not mandate any arrangement that
12 requires interconnecting telecommunications companies to engage in
13 mutual recovery of costs through offsetting of reciprocal
14 obligations. This subsection shall not prohibit telecommunications
15 companies from entering voluntary agreements to engage in such an
16 agreement.

17 (3) In addition, the commission may administratively fine
18 pursuant to section 75-156 any person who violates any enforcement
19 mechanism or procedure established pursuant to this section. The
20 authority granted to the commission pursuant to this section shall
21 be broadly construed in a manner consistent with the federal
22 Telecommunications Act of 1996.

23 Sec. 485. Section 75-109, Revised Statutes Supplement,
24 2000, as amended by section 9, Legislative Bill 435, Ninety-seventh

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1 Legislature, Second Session, 2002, is amended to read:

2 75-109. ~~(1)~~ Except as provided in the Agricultural
3 Suppliers Lease Protection Act and ~~sections~~ section 19-4603,
4 ~~86-803, and 86-808~~ and sections 25 and 42 of this act, the
5 commission shall regulate and exercise general control as provided
6 by law over all common and contract carriers engaged in the
7 transportation of freight or passengers for hire or furnishing
8 telecommunications services for hire in Nebraska intrastate
9 commerce.

10 ~~(2)~~ The commission is authorized to do all things
11 reasonably necessary and appropriate to implement the federal
12 Telecommunications Act of 1996, Public Law 104-104, including 47
13 U.S.C. 251 et seq., as such sections existed on the effective date
14 of this act, including section 252 of the act which establishes
15 specific procedures for negotiation and arbitration of
16 interconnection agreements between telecommunications companies.
17 Interconnection agreements approved by the commission pursuant to
18 section 252 of the act may contain such enforcement mechanisms and
19 procedures that the commission determines to be consistent with the
20 establishment of fair competition in Nebraska telecommunications
21 markets. In addition, the commission may administratively fine
22 pursuant to section 75-156 any person who violates any enforcement
23 mechanism or procedure established pursuant to this subsection.
24 The authority granted to the commission pursuant to this subsection
25 shall be broadly construed in a manner consistent with the federal
26 Telecommunications Act of 1996."

27 2. On page 7, lines 14 and 15; page 58, lines 6 and 7;

1 page 64, line 7; page 88, lines 9 and 10; page 95, lines 6 and 7;
2 page 114, line 2; page 147, line 1; and page 178, lines 15 and 16,
3 16 and 17, and 19 and 20, strike "the operative date of this
4 section" and insert "January 1, 2002".

5 3. On page 39, line 6, strike "(2)" and insert "(3)".

6 4. On page 51, strike beginning with "applicable" in
7 line 11 through "act" in line 14, show as stricken, and insert
8 "federal regulations for changing long distance service under
9 subpart K of 47 C.F.R. part 64, as such regulations existed on
10 January 1, 2002".

11 5. On page 51, line 23; page 86, line 27; and page 178,
12 line 19, strike "section" and insert "regulation".

13 6. On page 53, strike beginning with "the" in line 13
14 through "Commission" in line 14, show as stricken, and insert "47
15 C.F.R. 64.1100, 64.1120, 64.1130, and 64.1190, as such regulations
16 existed on January 1, 2002,"; and strike beginning with "any" in
17 line 17 through "act" in line 18, show as stricken, and insert "the
18 federal regulations for changing long distance service under
19 subpart K of 47 C.F.R. part 64, as such regulations existed on
20 January 1, 2002".

21 7. On page 58, line 6, strike "425, as such regulation"
22 and insert "part 425, as such regulations"; in line 26 after the
23 second "of" insert "(i)"; and in line 27 strike "47 C.F.R. 64.1100"
24 and insert "(ii) the federal regulations for changing long distance
25 service under subpart K of 47 C.F.R. part 64, as such regulations
26 existed on January 1, 2002".

27 8. On page 59, strike lines 1 and 2.

1 9. On page 76, line 26; and page 153, lines 8 and 17,
2 strike "sections" and insert "regulations".

3 10. On page 88, strike beginning with "under" in line 7
4 through "rules" in line 9 and insert "for satellite communications
5 under 47 C.F.R. part 25, for remote pickup broadcast stations under
6 subpart D of 47 C.F.R. part 74, for aural broadcast auxiliary
7 stations under subpart E of 47 C.F.R. part 74, for television
8 broadcast auxiliary stations under subpart F of 47 C.F.R. part 74,
9 or for fixed microwave services under 47 C.F.R. part 101, as such
10 regulations"; and in line 11 after "under" insert "47 C.F.R.".

11 11. On page 89, line 9; page 90, line 15; page 91, lines
12 2, 7, and 15; page 92, line 23; page 94, line 27; page 95, line 8;
13 page 96, line 7; page 97, lines 8, 16, 22, and 25; page 98, lines 5
14 and 18; page 103, lines 1, 9, and 26; page 104, line 18; page 107,
15 line 2; page 111, line 22; page 113, lines 12 and 24; and page 115,
16 lines 9 and 20, strike "152" and insert "133".

17 12. On page 90, line 6, strike "152 to 157" and insert
18 "133 to 177".

19 13. On page 92, strike beginning with "engage" in line 5
20 through "section" in line 12, show the old matter as stricken, and
21 insert "intercept or receive, or to assist in the interception or
22 receipt of:

23 (A) Any communications service offered over a cable
24 system as provided in 47 U.S.C. 553, as such section existed on
25 January 1, 2002; or

26 (B) Any satellite cable programming for private viewing
27 as provided in 47 U.S.C. 605, as such section existed on January 1,

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1 2002".

2 14. On page 95, strike beginning with "under" in line 5
3 through "rules" in line 6, show the old matter as stricken, and
4 insert "for remote pickup broadcast stations under subpart D of 47
5 U.S.C. part 74, as such regulations".

6 15. Strike beginning with "under" on page 113, line 27,
7 through "rules" on page 114, line 1, show the old matter as
8 stricken, and insert "for remote pickup broadcast stations under
9 subpart D of 47 U.S.C. part 74, as such regulations".

10 16. On page 128, strike beginning with "in" in line 3
11 through "procedure" in line 4 and insert "in section 25-534".

12 17. On page 178, line 14, strike "defined" and insert
13 "referenced"; and in line 16 strike the second "section" and insert
14 "regulation".

15 18. On page 308, line 21, strike "413" and insert "410".